DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [illegible] DATE 3/19/82

OUTGOING TELEGRAM Department of State

INDICATE ☐ COLLECT ☐ CHARGE TO

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Origin L
Info H FE INR CIA NSA MFW E COM INT

ACTION: Amembassy TOKYO ☐
TOKYO
PA or FOI ESTATE 12367

REF: ~~Embtel 4501~~

1. U.S.-Japan FCN Treaty provides national treatment for QUOTE ~~engra~~ engaging in all types of commercial, industrial, financial and other business activities within the territories of the other Party UNQUOTE (Article VI 1.). Consequently, Japanese have right under Treaty to establish fish processing enterprise. Whether fish processing ship may be used depends on whether U.S. national would have corresponding right, and this question, of course, is affected by where ship is to be tied, safety and harbor regulations, and the like.

2. Alaskan authorities tell us firm cannot engage in such operations unless it qualified to do business in Alaska under Alaskan law. However, Treaty and U.S. Constitution prohibit Alaska from establishing discriminatory requirements against Japanese as opposed to Alaskan processors.

3. We note Governor Egan of Alaska issued press release May 20, 1965 citing advantages of U.S.-Japan joint fish processing

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Interior - Mr. Brouillard (draft)
Commerce - Mr. Belden (substance)

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ventures in Alaska, including increased employment for Alaskans. (Deptel 3055, May 20, 1965). However, we understand Governor would consider operation as outlined reftel contrary to State policy and would take such steps as available to him to prevent it.

4. Embassy may convey foregoing to Japanese firm, being particularly discreet, however, with respect to second sentence para. 3, above. Suggest Embassy refer Japanese firm to Alaskan Far Eastern Trade and Information Office, Tokyo, for further info.

END

RUSK